IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Tr.P(Crl.).No. 29 of 2007()

MC.567/2006 of FAMILY COURT, MALAPPURAM

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PETITIONER: RESPONDENT

DR.M.S.SUDHEER, AGED 33 YEARS,
S/O.MADATHI PARAMBIL SADANANDHAN,P.O.PURANATTUKARA
THRISSUR DIST., REP.BY HIS FATHER & POWER OF P/A.
HOLDER MR.SADANANDAN M.T., S/O.LATE MR.THACHU,
AGED 59 YEARS,AMBADY, MADATHIPARAMBIL HOUSE,
P.O.PURANATTUKARA, THRISSUR-680 551.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: PETITIONERS & STATE

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1. MEERA @ MARRIA J.G.FERRAO, AGED 36 YEARS
D/O.LATE JOSE FERRAO, C.V.QUARTERS NO.1,
GROUND FLOOR, NEXT TO ATHINA MEDICALS, DOCTOR,S
COLONY, NEAR EDAPPAL HOSPITAL PVT.LTD.,EDAPAL P.O.
MALAPPURAM DISTRICT.

2. SAYOOJ, MINOR, AGED 2 1/2 YEARS,
S/O.MARIA J.G.FERRAO, REPRESENTED BY HIS MOATHER
AND GUARDIAN, MEERA @ MARRIA J.G.FERRAO.

3. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Tr.P.(Crl).No.29 of 2007

Dated this the 28th day of February 2007

O R D E R

The petitioner is the respondent in a crime under Section 125 Cr.P.C filed by the respondent 1 and 2 before the Family Court, Malappuram. The said claim is pending as M.C.No.567/06. The petitioner, in turn, has filed O.P.No.1132/06 under Section 10 of the Divorce Act claiming dissolution of marriage. That petition is pending before the Family Court, Thrissur. The first respondent has already entered appearance before that court, it is submitted.

2. The petitioner has come to this court now with the prayer that M.C.No.567/06 pending before the Family Court, Malappuram may be transferred to the Family Court, Thrissur where O.P.No.1132/06 between the same parties is pending. Notice was ordered to the respondent and notice has been served on the learned counsel for the respondent who appears before the court below. The respondent has not entered appearance but there is an acknowledgment of notice by the counsel which reads as follows:

> "Copy received. No objection in transferring M.C.No.567/06 from the Family Court, Malappuram to the Family Court, Thrissur."

3. I am, in these circumstances , satisfied that transfer, as prayed for, can be directed. Disposal of both cases by the same court shall certainly advance the interests of justice.

4. In the result, this transfer petition is allowed. M.C.No.567/06 pending before the Family Court, Malappuram is transferred to the Family Court, Thrissur where O.P.No.1132/06 between the same parties is also pending. The learned Judge of the Family Court, Malappuram shall forthwith transfer the records in M.C.No.567/06 to the Family Court, Thrissur. The parties shall appear before that court on 09/04/2007. The Family Court, Malappuram shall direct the parties to appear before the Family Court, Thrissur on that date. The Family Court, Thrissur shall dispose of the claim under Section 125 Cr.P.C expeditiously. Final or interim directions shall be passed within 45 days of appearance of parties.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006